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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM DOCKET NO. 93-54
)	
GAF BROADCASTING COMPANY, INC.)	File No. BRH-910201WL
)	
For Renewal of License of Station)	
WNCN(FM) (104.3 MHz), New York,)	
New York)	
)	
CLASS ENTERTAINMENT AND)	
COMMUNICATIONS, L.P.)	File No. BPH-910430ME
)	
For a Construction Permit for a)	
New FM Station on 104.3 MHz at)	
New York, New York)	

To: The Review Board

MASS MEDIA BUREAU'S OPPOSITION TO
APPEAL OF LISTENERS' GUILD, INC.

1. On June 22, 1993, Listeners' Guild, Inc. ("Guild") filed an appeal of the Presiding Judge's Memorandum Opinion and Order, FCC 93M-360 (released June 15, 1993) ("MO&O") in the above-captioned proceeding. The Mass Media Bureau opposes Guild's appeal for the following reasons.

petition to deny the GAF renewal application does not, ipso facto, make it a party to this adjudicatory proceeding. As the MO&O pointed out, Guild raised several matters in its petition to deny, all of which, with the exception of questions concerning WNCN(FM)'s equal employment opportunity ("EEO") practices, were denied. See Hearing Designation Order, 8 FCC Rcd 1742 (1993) ("HDO"). However, the HDO did not specify EEO-related issues against GAF, as Guild suggests. Rather, the HDO, at n. 1, expressly referred the EEO-related questions to the Mass Media Bureau's EEO Branch for Commission disposition. Thus, while Guild remains an active participant with respect to the EEO matters pending in the EEO Branch, none of the matters raised by Guild in its petition to deny is at issue in this proceeding.

4. As the MO&O correctly noted, under Section 1.223 of the Commission's Rules, a petitioner seeking intervention must demonstrate an interest in the proceeding sufficient to justify participation as a party. Given the HDO's refusal to designate any of the issues sought by Guild in its petition to deny, Guild's appeal of the denial of its request to intervene on this basis is without merit. Thus, Guild essentially is left with "a broad, undifferentiated desire to participate [which] does not satisfy the strictures of the intervention rule" Listeners' Guild, Inc., 62 RR 2d 866, 871 (D.C. Cir. 1987).

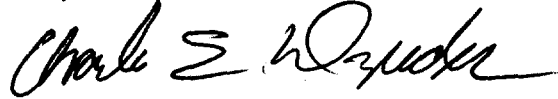
5. Furthermore, to the extent that Guild argues that GAF

Broadcasting Co., Inc., 55 RR 2d 1639 (1984), is inapposite, Guild is wrong. In that case, Guild's petition to deny GAF's 1981 renewal application and its request to intervene in the subsequent comparative renewal proceeding involving WNCN(FM) were denied. Here, none of the issues sought by Guild in its petition to deny was designated for hearing, and, thus, its intervention

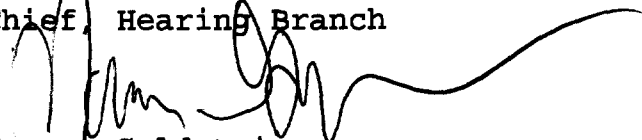
request was properly rejected

Broadcasting Co., Inc., 55 RR 2d at 1642.

Respectfully submitted,
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July 2, 1993

CERTIFICATE OF SERVICE

I, Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certify that I have, on this 2nd day of July 1993, sent by First Class mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Opposition to Appeal of Listeners' Guild, Inc." to:

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